

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

2009 FEB -4 PM 12:56

Suvare Thomas,	:	Case No. 1:08CV1365
	:	
Plaintiff	:	Judge Kathleen O'Malley
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Commissioner of Social Security,	:	MEMORANDUM OPINION
	:	AND ORDER
Defendant	:	

On January 26, 2009 this Court granted plaintiff's counsel's motion for leave to supplement the record by including evidence that had been generated in the context of a prior disability benefit claim by the plaintiff, based on the representation that such evidence was germane and relevant to the issues in this action. That order was entered on the day the motion was filed, and without waiting for a response from the defendant.

Defense counsel has now filed an objection to that motion which suggests to this Court that the evidence may not bear upon the merits of the defendant's final determination on the claim which underlies this action, and that this Court acted too hastily in granting the motion.

Therefore, this Court had determined to let the matter stand in its present posture, and await briefing on the merits. This Court expects that in that briefing the relevance of that evidence will be addressed, which will present context for the question of the propriety of this Court's permitting plaintiff's counsel to supplement the record. If at that time this Court is satisfied that the additional evidence should not have been received this Court will either order it stricken from the record or

simply ignore it in addressing the merits of the action.

IT IS SO ORDERED

A handwritten signature in black ink, appearing to read 'DAVID S. PERELMAN', written over a horizontal line.

DAVID S. PERELMAN
United States Magistrate Judge

DATE: February 4, 2009